

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DESIRAE SCOTT, *et al.*,

Plaintiffs,

v.

ANTONIA HEREDIA, *et al.*,

Defendants.

Case No. 1:24-cv-01067-KES-CDB

ORDER DIRECTING PLAINTIFFS TO FILE A  
MOTION FOR APPOINTMENT OF GUARDIAN  
AD LITEM FOR S.W. AND D.W.

21-DAY DEADLINE

Plaintiffs Desirae Scott, Jonathan Williams, S.W., and D.W. initiated this action with the filing of a complaint on September 7, 2024. (Doc. 1). The complaint alleges that S.W. and D.W. are the minor daughters of Scott and Williams, brought “by next friend” Desirae Scott. *Id.* at 2. Pursuant to Local Rule 202,

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person.

E.D. Cal. L.R. 202(a) (citing Fed. R. Civ. P. 17(c)).

Because the claims of Plaintiffs S.W. and D.W. are being brought “by next friend,” a guardian must be appointed by the Court to protect the Plaintiff’s interests. *See* Fed. R. Civ. P.

1 17(c)(2). As of the date of entry of this Order, Plaintiff has presented neither “appropriate evidence  
2 of the appointment of a representative for the minor or incompetent person under state law” or a  
3 motion in this Court for the appointment of a guardian ad litem.

4 Accordingly, IT IS HEREBY ORDERED Plaintiffs shall file within 21 days of service of this  
5 order a motion for the appointment of a guardian ad litem for Plaintiffs S.W. and D.W. consistent with  
6 Fed. R. Civ. P. 17 and Local Rule 202.<sup>1</sup> Plaintiffs are directed to review Local Rule 202 in detail and  
7 ensure their motion contains all information required.

8 IT IS SO ORDERED.

9 Dated: September 13, 2024

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> This Court’s Local Rules are available at <https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>